

Notice of Allowability

Application No.

09/444,818

Examiner

Adnan M Mirza

Applicant(s)

CURTIN, STEVEN DEARMOND

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 07/09/2004.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☒ The drawings filed on 30 September 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


WILLIAM A. CUCHLINSKI, JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3400

Allowance

1. Claims 1-23 are allowed.
2. The following is an examiner's statement for allowance:

The prior art references most closely resembling the applicant's claimed invention are Mackintosh et al (U.S. 6,317,784) and Cluts (U.S. 5,616,876).

First, Mackintosh disclosed techniques for delivery of music over a data network such as the Internet, wherein a listener "receives the broadcast material and the program data via the Internet connection and plays it on his or her computer, workstation or other Internet terminal" (col. 3, lines 17-18). Mackintosh failed to disclose an arrangement in which identification information is extracted from a wireless broadcast in response to a user command entered at a wireless receiver, with identification information being extracted and stored without requiring any connection between the wireless receiver and an access point of a data network, and the extracted identification information being subsequently delivered over the data network to a server for processing (claims 1,12,23).


Second Cluts disclosed to an interactive network which provides music to subscribers. As stated in Cluts, "each consumer within a neighborhood node of the consumer system is connected to the distribution network via a subscriber drop cable 46 ...connected to a set-top terminal 48 or set-top box ... which allows the consumer to (1) receive program modules and programming

Art Unit: 2145

information distributed by the headend system 12 and to (2) transmit requests or instructions to the headend system 12" (Cluts, col. 8, lines 37-49). Cluts failed to disclose an arrangement in which identification information is extracted from a wireless broadcast in response to a user command entered at a wireless receiver, with the identification information being extracted and stored without requiring any connection between the wireless receiver and an access point of a data network, and the extracted information being subsequently delivered over the data network to a server for processing (claims 1,12,23).

In summary, the Examiner submits that there is no motivation to combine the aforementioned references; therefore, claims 1-23 have been deemed allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled " Comments on Statement of Reasons for Allowance."


WILLIAM A. CUCHLINSKI, JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600